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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/776,420   | 02/02/2001  | R. Steven Schultz    | 01153.0001U3        | 4087             |
| 23859  | 7590        | 09/20/2004           | EXAMINER            |                  |
| NEEDLE & ROSENBERG, P.C.<br>SUITE 1000<br>999 PEACHTREE STREET<br>ATLANTA, GA 30309-3915 |             |                      | FELTEN, DANIEL S    |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 3624                 |                     |                  |

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 09/776,420             | SCHULTZ ET AL.      |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| Daniel S Felten              | 3624                   | M6                  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

**THE MAILING DATE OF THIS COMMUNICATION:**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-26 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

1. Receipt of the Request for Continued Examination filed January 30, 2004 and associated Response to Notice of Informality Repayment of Fee filed March 08, 2004 is acknowledged. The amendment of claims 1, 6, 11 and adding claims 16-26 is also acknowledged. Claims 1-26 are pending in the application and are presented to be examined upon their merits.

### ***Response to Arguments***

2. Applicant's arguments filed January 30, 2004 have been fully considered but they are not persuasive. The amendment of a "sales" receipt having "detailed" information describing "items" purchased, as stated in amended claims 1, 6, 11 and new claims 16, 17 to 24-26 to clarify the definition of "electronic receipts" in the claim(s) is not further limiting the claim(s) because the aforementioned limitations cannot exhibit any functional interrelationship with the way in which the computing processes are performed. Thus, the amendments are considered non-functional descriptive material and is asserted that the non-functional descriptive material has no effect on the claim as a whole and cannot render non-obvious an invention that would have otherwise been obvious under the previous cited prior art [see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401,404 (Fed. Cir 1983)].

Moreover, the amendment regarding accessing records of sales receipts stored in a centralized database is not seen as patentable because electronic sales receipts

are considered electronic records of transactional information wherein inputting, storing searching, sorting and accessing (or displaying) electronic data records from a database would be notoriously old and well known operational functions with the ordinary skill in the art. In addition, Pitroda teaches a main central computer 26 with a customer database 27 for a plurality of customers 28 to process transactional information (see Pitroda, fig. 2, col. 10, ll. 40 to col. 11, ll. 3). Thus rejections of the newly presented claim language and added claims are similarly presented below.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-10, 25 and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims call for a "system". A system has connotations that may be interpreted in more than one statutory class. Furthermore, the applicant has limitations within the body of these claims of both an apparatus and a method. Therefore it is incumbent upon the applicant to present claim language that is consistent with either a method or an apparatus and to state on the record which of the two statutory classes should the aforementioned claims should be considered.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (US 6,067,529) in view of Pitroda (US 5,884,271)

Re claims 1, 6 and 11:

Ray discloses a method for collecting electronic receipts for purchases

(a) conducting a sales transaction between a buyer and a seller (see Ray, col. 3, II. 26+);  
(b) generating an electronic sales receipt including detailed information describing the items purchased and including information indicating completion of the transaction (see Ray, Abstract);

(c) transmitting the sales receipt via a computer network to a computing device operated by or on behalf of the buyer, the buyer being presented via a user interface of the device with a representation of the detailed information describing the items

purchased, and a representation of the information indicating completion of the transaction (see Ray, col. 2, ll. 23-44).

Ray stores information in a gatekeeper to provide information related to customer receipts (see Ray col. 4, ll. 14-4), but fails to disclose storing in a centralized database.

As mentioned above, Pitroda teaches a main central computer 26 with a customer database 27 for a plurality of customers 28 to process transactional information (see Pitroda, col. 10, ll. 40 to col. 11, ll. 3). In a centralized database, electronic sales receipts are art recognized equivalents to electronic records and/or transactions that have transactional information. Inputting, storing searching, sorting and accessing (or displaying) records via a database, subsequently are notoriously old and well-known operational functions. Thus an artisan at the time of the Invention would have with the ordinary skill in the art.

Re claims 2-5, 7-10 and 12-15:

Ray in view of Pitroda discloses, as in claims 2, 7 and 12 generating aggregate information in response to stored receipts; and providing the aggregate information to one of the sellers (see Pitroda, col. 11, ll. 4-30).

Claims 3-5, 8-10 and 13-15 disclose the receipt generator retrieving the found records and transmitting representations of the found records to one of the buyers, adding information to a found record, associating the added information with the found

record in the data base and downloading information in the found records to financial software as indications of purchases (see Pitroda, col. 11, ll. 4-30).

Re claims 16 and 17:

(see explanation for claim 1)

Re claims 18-23:

(see explanations from response and claim 1)

Re claims 24:

(for 24a-d, see explanation for claim 1)

24(f): Applicant has defined the self- service applications are defined by: transferring a record (file) between a central database and a financial management system and retrieving various forms of information from the centralized database. In general, it is notoriously old and well known within the computer networking art to use the appropriate hardware and software to communicate record (files) between a central database and other peripheral computer systems. As previously shown in claim 1 above, Pitroda shows the ability to communicate transactional information (see Pitroda, col. 10 to col. 11, ll. 18). It would have been obvious for an artisan at the time of the invention of Ray to substitute the gatekeeper with the database of Pitroda because an artisan would recognize them as equivalent within the art in as much as

they have storage, transport, access and retrieval abilities (see Ray, col. 4, ll. 14+).

Thus such a modification would be within the ordinary skill in the art.

Re claim 25:

(see explanation for claim 1)

Re claim 26:

(see explanation for claim 1)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S Felten  
Examiner  
Art Unit 3624

  
DSF  
June 3, 2004



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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